

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION

IN RE:)
)
WILLIAM BARRIER ROBERTS,) CASE NO. 18-83442-CRJ11
SSN: XXX-XX-9314) CHAPTER 11
)
Debtor.)
)

**EMERGENCY MOTION FOR AUTHORITY TO SELL DEBTOR'S
THIRTY-THREE AND ONE-THIRD PERCENT
MEMBERSHIP INTEREST IN RBO, LLC**

COMES NOW William Barrier Roberts ("Debtor"), by and through undersigned counsel, and hereby moves this Court (the "Motion") for an entry of an Order authorizing Debtor to sell his thirty-three and one-third percent (33%) membership interest in RBO, LLC, including all rights, claims and benefits appertaining to the assets of the company, payment streams, and all files, documents, writings and other materials with respect thereto, free and clear of all liens, to Roscoe Roberts. This application is made pursuant to 11 U.S.C. § 363(b) and Bankruptcy Rule 6004. In support hereof, Debtor states as follows:

INTRODUCTION

1. On November 16, 2018 (the "Petition Date"), Debtor filed a petition for Chapter 11 bankruptcy commencing the above-captioned bankruptcy case.
2. At the time of the filing of the petition Debtor had a one-third interest in RBO, LLC.
3. RBO, LLC is an Alabama Limited Liability Company in good standing.
4. Debtor has entered into an Assignment of Interest in Limited Liability Company (the "Assignment") to sell his thirty-three and one-third membership interest (the "Property") to Roscoe Roberts for the sum of Sixty Thousand and NO/100 Dollars (\$60,000.00). Debtor believes

the price provided for in the Assignment is reasonable and represents fair value for the Property to be sold in this circumstance.

5. Debtor believes it is in the best interest of the estate and its creditors that the estate sell his interest in the Property to Roscoe Roberts pursuant to the terms of the Assignment attached hereto as Exhibit A.

6. Any person objecting to the validity, proprietary, or legality and/or having any objection of any kind to the sale as described herein shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve copies on the attorney for the Debtor at the address listed in this Motion and the Trustee, in accordance with Fed. R. Bankr. P. 6004(b).

WHEREFORE, Debtor requests that this Court enter an Order Confirming Sale of the Property as set forth above, that Debtor be authorized to take such steps, make such payments, and execute such documents as reasonably necessary to implement and effectuate said sale, and that the Court grant such further relief as may be just and equitable under the circumstances.

Respectfully submitted this the 9th of December, 2019.

/s/ Stuart M. Maples

STUART M. MAPLES (ASB-1974-S69S)

MAPLES LAW FIRM, PC
200 Clinton Avenue West, Suite 1000
Huntsville, Alabama 35801
Tel: (256) 489-9779
Fax: (256) 489-9720
smaples@mapleslawfirmpc.com

CERTIFICATE OF SERVICE

I do hereby certify that on December 9, 2019, a copy of the foregoing document was served on the following by Electronic Case Filing a copy of the same.

Richard Blythe
Bankruptcy Administrator
richard_blythe@alnba.uscourts.gov

All parties requesting notice via CM/ECF

I do hereby certify that on December 9, 2019, a copy of the foregoing document was served on the following by mailing a copy of the same United States Mail, properly addressed and first-class postage prepaid.

Roscoe Roberts
c/o L. Franklin Corley IV
SIROTE & PERMUTT, PC
305 Church Street, Suite 800
Huntsville, AL 35801

Via U.S. Mail to all creditors on matrix

/s/ Stuart M. Maples
STUART M. MAPLES

EXHIBIT A

STATE OF ALABAMA)

COUNTY OF MADISON)

ASSIGNMENT OF INTEREST IN LIMITED LIABILITY COMPANY

THIS ASSIGNMENT OF INTEREST IN LIMITED LIABILITY COMPANY (the "Assignment") is made, entered into and effective as of the 12th day of November, 2019, by and between Bill Roberts (the "Assignor") and Roscoe Roberts (the "Assignee").

W I T N E S S E T H:

WHEREAS, the limited liability company, RBO, LLC (the "LLC"), was organized on October 21, 2011; and

WHEREAS, Assignor, Assignee, and Owen Roberts are the current members of the LLC, and

WHEREAS, Assignor currently owns a Thirty-Three and One-Third Percent (33.33%) interest in the LLC; and

WHEREAS, Assignor desires to transfer and convey the Thirty-Three and One-Third Percent (33.33%) interest in the LLC (hereinafter referred to as the "Membership Interest") to Assignee, and Assignee desires to accept the Membership Interest. Assignee agrees to be bound by all terms and conditions of the Operating Agreement.

1. NOW, THEREFORE, for payment of Sixty Thousand and no/100 dollars (\$60,000.00) and other good and valuable consideration the receipt and sufficiency of which is acknowledged by Assignor and in consideration of the above premises and the mutual covenants of the parties, the Assignor does hereby sell, assign, transfer, and set over unto Assignee all of his rights, title and interest in and to the Membership Interest, free and clear of all claims, liens, charges or encumbrances of any kind. Assignee does hereby accept the transfer of the Membership Interest.

2. This Assignment shall be binding upon and shall inure to the benefit of the successors in interest, assigns and heirs (if applicable) of each of the parties hereto.

3. The Assignor, for himself and his heirs successors and assigns forever, does hereby represent and warrant to the Assignee that the title conveyed hereby to the Membership Interest is good, its transfer is rightful, and the Membership Interest is delivered hereby free from any security interest or other lien or encumbrance.

4. The construction, validity and enforcement of this Assignment shall be determined according to the laws of the State of Alabama.

5. This Assignment may be executed in any number of counterparts, each of which shall be considered to be an original instrument.

EXHIBIT A

IN WITNESS WHEREOF, the undersigned have executed this Assignment on this the day and year first written above.

ASSIGNOR:

Bill Roberts

ASSIGNEE:

Roscoe Roberts

I, Owen Roberts, do consent to the assignment as set forth herein.

Owen Roberts

Label Matrix for local noticing

1126-8

Case 18-83442-CRJ11

NORTHERN DISTRICT OF ALABAMA

Decatur

Mon Dec 9 10:41:27 CST 2019

First National Bank of Pulaski

206 South 1st Street

Pulaski, TN 38478

Bullet & Barrel, LLC

612 Eustis Avenue

Huntsville, AL 35801-4114

Callahan PC

301 Washington St. Ste 301

Huntsville, AL 35801-4892

PRA Receivables Management, LLC

PO Box 41021

Norfolk, VA 23541-1021

SPECIALIZED LOAN SERVICING LLC

8742 Lucent Blvd, Suite 300

Highlands Ranch, CO 80129-2386

SmartBank

c/o Justin B. Little

REYNOLDS, REYNOLDS & LITTLE, LLC

Post Office Box 2863

Tuscaloosa, AL 35403-2863

U. S. Bankruptcy Court

400 Well Street

P. O. Box 2775

Decatur, AL 35602-2775

*Alabama Department of Revenue

PO Box 327483

Montgomery, AL 36132-7483

*American Express

PO Box 981535

El Paso, TX 79998-1535

*Belk/Synchrony Bank

PO Box 530940

Atlanta, GA 30353-0940

*GMFS LLC c/o SLS

8742 Lucent Blvd., Ste 300

Highlands Ranch, CO 80129-2386

*Home Depot

PO Box 790328

Saint Louis, MO 63179-0328

*Internal Revenue Service

Centralized Insolvency Operations

PO Box 7346

Philadelphia, PA 19101-7346

*North Alabama Bank

PO Box 669

Hazel Green, AL 35750-0669

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c/o Kevin C. Gray

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American Express National Bank

c/o Becket and Lee LLP

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Malvern PA 19355-0701

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Huntsville, Alabama 35805-3093

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c/o Specialized Loan Servicing LLC

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Huntsville, AL 35806-4831

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Washington, DC 20220-0001

(p) SMARTBANK
ATTN LYNN VANDERGRIFF - SPECIAL ASSETS
6413 LEE HIGHWAY
SUITE 107
CHATTANOOGA TN 37421-4860

State of Alabama
Department of Revenue Legal Division
PO Box 320001
Montgomery, AL 36132-0001

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541-1021

U.S. Securities & Exchange Commission
Reg Director, Branch of Reorganization
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William Barrier Roberts
2115 Big Cove Rd
Huntsville, AL 35801-1347

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Smart Bank
PO Box 1910
Pigeon Forge, TN 37868

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)NORTH ALABAMA BANK

(u)*Citibank
PO Box 790046
MO 63170

(d)PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

End of Label Matrix
Mailable recipients 50
Bypassed recipients 3
Total 53